IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

Bail Appl..No. 4674 of 2007()

[CRIME NO.305/2007 OF THE SULTHAN BATHERY POLICE STATION]

PETITIONERS/ACCUSED NOS.1 TO 4 AND 7 TO 9:

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1. ABDUL SALIM A.M., ADAKKOOTHU HOUSE,
   CHETHALAYAM P.O., SULTHAN BATHERY,WAYANAD DISTRICT

2. ARIF C.K., CHOYIMADATHIL HOUSE,
   CHETHALAYAM P.O., SULTHAN BATHERY,WAYANAD DISTRICT

3. MUSTHAFFA C.K.,CHOYIMADATHIL HOUSE,
   CHETHALAYAM P.O., SULTHAN BATHERY,WAYANAD DISTRICT

4. ABDUL SALIM C.K., CHOYIMADATHIL HOUSE,
   CHETHALAYAM P.O., SULTHAN BATHERY,WAYANAD DISTRICT

5. KUNHUMUHAMMAD, CHOYIMADATHIL HOUSE,
   CHETHALAYAM P.O., SULTHAN BATHERY,WAYANAD DISTRICT

6. MOIDEEN C., CHOYIMADATHIL HOUSE,
   CHETHALAYAM P.O., SULTHAN BATHERY,WAYANAD DISTRICT

7. ASHRAF P.M., PUNNAPRATHODI HOUSE,
   CHETHALAYAM P.O., SULTHAN BATHERY,WAYANAD DISTRICT

BY ADV. SRI.JIJO PAUL

RESPONDENTS: STATE:

THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
SULTHAN BATHERY POLICE STATION - THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM
KOCHI-31.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4674 of 2007

Dated this the 2nd day of August 2007

O R D E R

Application for anticipatory bail. Petitioners are accused 1 to 4 and 7 to 9 in a crime registered inter alia under Sections 308 and 323 read with 149 I.P.C. There was a clash between two groups in the Muslim community referred to as A.P and E.K group. Even going by the allegations, the alleged incident was that the victims were beaten and kicked. No serious injuries have been suffered by the victims. The learned counsel for the petitioners submits that the exaggerated allegation under Section 308 I.P.C has been raised and obligingly included by the police with the short purpose of vexing and harassing the petitioners. Thereby the complainant and the police expect that the petitioners can be kept in custody as long a period as possible since the offence under Section 308 I.P.C is exclusively triable by the court of Session. My attention was drawn to the case diary. Nature of injuries suffered as well as the nature of allegations have been considered. I find merit in the contention of the learned counsel for the petitioner that this is an eminently fit case where the petitioners deserve to be granted anticipatory bail.

2. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 10/08/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 11/08/2007 and 12/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 10/08/2007, they shall be released from custody on their executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 10/08/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007